# UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

C.F. COMMUNICATIONS CORP.,

ET AL.,

Complainants,

V.

CENTURY TELEPHONE OF WISCONSIN,

INC., ET AL.,

Defendant.

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ORIGINAL

## FEDERAL COMMUNICATIONS COMMISSION

C.F. COMMUNICATIONS CORP., ET AL.,	)				
Complainants,	)				
v.	)	EB	Docket	No.	01-99
CENTURY TELEPHONE OF WISCONSIN, INC., ET AL.,	)				
Defendant.	)				

Room TW-A-363 445 12th Street, S.W. Washington, DC 20554

Friday, September 7, 2001

The parties met, pursuant to the notice, at 9:34 a.m.

BEFORE: HONORABLE ARTHUR I. STEINBERG Administrative Law Judge

#### APPEARANCES:

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For Chief, Enforcement Bureau: JAMES W. SHOOK, Esquire TEJAL MEHTA, Esquire Federal Communications Commission 445 12th Street, N.W. Washington, DC 20554 (202) 418-1420

1	PROCEEDINGS
2	(9:34 a.m.)
3	C.F. COMMUNICATIONS:
4	JUDGE STEINBERG: On the record now. This is a
5	further pre-hearing conference in EB docket number 01-99, a
6	proceeding which was designated for hearing in order to
7	determine the damages, if any to which each of the
8	complainants is entitled.
9	I called this conference so that each party can
10	inform me of the status of settlement discussions among
11	them. In this regard, the orders in the order scheduling
12	this conference, I directed the Complainants and the
13	Defendants to be prepared to discuss specific settlement
14	proposals for each of the formal complaints in which they
15	are involved.
16	In addition, I also want to talk a little bit
17	about discovery, which is not my favorite word these last
18	couple of months. And I'm sure it hasn't been yours.
19	Let me since some of the appearances have
20	changed or, actually, there have been additions. Let me
21	just take the appearances of for the parties. And I've
22	kind of grouped them together, so if you I'll read the
23	names, and then, when I finished, I'll look up.
24	Alcazar Homes Ltd., Ascom Holding, Inc., B.D.A.
25	Sales, Inc., ETS Payphones, Inc., Just-Tel, Inc., Mayflower

- 1 Communications, Inc., New York City Telecommunications
- 2 Company, New York Pay Phone Systems, Inc., and Telebeam
- 3 Telecommunications Corporation -- now you've got to say your
- 4 names.
- MS. HENRY: All right. Your Honor, this is
- 6 Katherine Henry from Dickstein Shapiro, but I don't
- 7 recognize the name "Mayflower".
- 8 MR. WINSBRO: That's the current name of Crescent
- 9 Communications.
- 10 MS. HENRY: I apologize. That's one of my
- 11 clients' current names.
- 12 JUDGE STEINBERG: Okay.
- MS. HENRY: It's hard to keep track of them.
- 14 Katherine Henry with Dickstein Shapiro. I'm also
- 15 -- and Jack Winsbro from my office, Rob Felgar and Ken
- 16 Trotter.
- 17 JUDGE STEINBERG: Now for Best Payphones, Inc. and
- 18 Kayson Communications Ltd.?
- 19 MR. THOMPSON: Michael Thompson of Wright &
- 20 Talisman, Your Honor.
- JUDGE STEINBERG: For the Verizon companies? And
- 22 I'm not going to name them all.
- MR. GOODMAN: Thank you, Your Honor. John Goodman
- 24 and Sherry Ingram.
- JUDGE STEINBERG: For Carolina Telephone and

- 1 Telegraph Company, United Telephone Company of Florida, and
- 2 United Telephone Company of Pennsylvania?
- MS. SISAK: Hi. Mary Sisak and Robert Jackson.
- 4 JUDGE STEINBERG: What about Mr. Everette?
- 5 MR. JACKSON: And Mr. Everette.
- JUDGE STEINBERG: Okay. Hello, Mr. Everette.
- 7 For Southwestern Bell Telephone Company?
- 8 (No response.)
- 9 JUDGE STEINBERG: Let the record reflect no
- 10 response.
- 11 And for the Chief, Enforcement Bureau, Federal
- 12 Communications Commission?
- 13 MR. SHOOK: James Shook.
- JUDGE STEINBERG: Okay. Let's get right down to
- business. And what I propose to do is go through it party
- by party and, if necessary, file number by file number.
- And what I'm going to -- just somebody tell me
- what the heck's going on on the settlement front, and we'll
- 19 worry about discovery later.
- 20 Let me just reflect for the record that Tejal
- 21 Mehta just arrived, and she's one of the bureau's co-
- 22 counsel.
- Okay. So, basically, somebody tell me what's
- 24 going on with respect to settlement. And, you know, I'll
- hear from both sides, and then I might chime in, I might

- 1 not. First, Alcazar Homes Ltd..
- 2 (A discussion was held off the record.)
- JUDGE STEINBERG: Alcazar Homes Ltd. -- what's
- 4 going on in that case?
- MS. HENRY: Your Honor, for Alcazar, we have had
- 6 some preliminary discussions with Verizon. Our numbers are
- 7 substantially different as to what our assessment of the
- 8 damages are, and we are in the process of providing some
- 9 additional documentation, hoping to narrow the gap on that.
- 10 We have not actually had substantive settlement negotiations
- 11 because there is such a large discrepancy in our numbers.
- JUDGE STEINBERG: Okay. What -- and let me turn
- to Mr. Goodman or Ms. Ingram.
- 14 MR. GOODMAN: Yes. We have advised Alcazar of
- 15 what we believe they paid. We, I believe, have not gotten
- 16 any documentation or information from Alcazar as to -- as to
- 17 their view of what they paid.
- 18 JUDGE STEINBERG: Okay. So you haven't gotten a
- 19 number from Alcazar?
- MR. GOODMAN: That's correct, Your Honor.
- 21 JUDGE STEINBERG: Okay. So if you haven't given -
- have you given them a number?
- MS. HENRY: No, we haven't, Your Honor. The
- 24 number that we -- I have talked to them informally and
- 25 advised them of the huge discrepancy. But rather than give

- a number, we would like to finalize some documentation that
- we have and, at the same time we provide the documentation,
- 3 give them the number.
- 4 JUDGE STEINBERG: When can you -- when can you
- 5 exchange a concrete number?
- 6 MS. HENRY: I would --
- 7 JUDGE STEINBERG: And I'm not talking about a
- 8 trillion dollars.
- 9 MS. HENRY: No, no, no. The number I want to give
- 10 is --
- JUDGE STEINBERG: Right.
- 12 MS. HENRY: -- one that's, you know, very
- defensible, and there won't be an issue with. And I'm
- 14 hoping by early next week. We're waiting for one additional
- 15 document from client.
- 16 JUDGE STEINBERG: Okay. And -- and the documents
- 17 you want to exchange with Verizon -- the documents?
- MS. HENRY: We have some -- we have been providing
- 19 dial around information which we're also producing as part
- of discovery. But, in certain instances during
- 21 negotiations, we've actually also, as a courtesy, provided
- some additional material to explain when there's a
- 23 discrepancy. And we have done it in some of the other
- cases, and we'll be prepared to do it in this case as well.
- JUDGE STEINBERG: Okay, because I -- the sooner

- 1 everybody's got concrete numbers in front of them, the
- 2 better as far as I'm concerned.
- MS. HENRY: Understood.
- 4 JUDGE STEINBERG: So, basically, early next week.
- 5 Okay. Now Ascom Holding, Inc. -- and Ascom has
- 6 got lots of complaints against Verizon and lots of
- 7 complaints against -- for ease of reference, I'll say Sprint
- 8 to refer to Carolina and United Telephone Company of
- 9 Pennsylvania and Telephone Company of Florida. You don't
- 10 object to me doing that, do you?
- MR. JACKSON: No, I don't, Your Honor.
- JUDGE STEINBERG: Okay, because I don't want to
- step on anybody's toes or assume anything I shouldn't be
- 14 assuming.
- MS. HENRY: Your -- Your Honor, as to Ascom, we
- 16 have two groups. We have Verizon, and we have Sprint. As
- 17 to Verizon, we made a demand on Verizon this past Tuesday.
- And, at Verizon's request, we have provided some additional
- documentation which we also have produced or have made
- 20 available to Verizon in discovery. The documentation is
- ordinary course of business records showing the ANIs that we
- 22 had in place at the appropriate times and the charges that
- 23 were incurred.
- JUDGE STEINBERG: When you say "ANIs," that's --
- MS. HENRY: The telephone lines --

- JUDGE STEINBERG: ANIS?
- MS. HENRY: Yes.
- JUDGE STEINBERG: And then that means telephone
- 4 numbers.
- 5 MS. HENRY: Telephone numbers that we had in place
- 6 which -- I mean, the essence of this case is you look at the
- 7 telephone number, you look at the UCAL rate and do the
- 8 multiplication, you get a number. And we've provided that
- 9 information in the last day or two to Verizon. I'm not sure
- if they've had a chance to digest it yet, but we have made a
- 11 demand.
- JUDGE STEINBERG: When you say you have made a
- demand, what's that mean?
- 14 MS. HENRY: We have a made a specific -- we made a
- specific offer of a specific dollar amount.
- JUDGE STEINBERG: Oh, okay. Okay. Let me hear
- 17 from Mr. Goodman on that.
- 18 MR. GOODMAN: All of that is correct. You get a
- demand. You get a pile of papers, and we have not had an
- opportunity to figure out what's in the papers yet, but we
- 21 ought to be able to do that in the next week or so.
- JUDGE STEINBERG: Okay.
- MS. INGRAM: And we have gone through the bills,
- 24 and we will match those. So we have two sets. We have some
- documentation that was submitted with the demand, and then

- we have the production that was given in discovery which
- 2 consists of the telephone bills. And we are in the process
- 3 of going through those.
- 4 JUDGE STEINBERG: Okay. So you --
- MS. INGRAM: So we should be able to evaluate this
- 6 offer.
- 7 JUDGE STEINBERG: Within -- within the next week
- 8 or so?
- 9 MR. GOODMAN: Mm-hmm.
- 10 MS. INGRAM: Yes.
- JUDGE STEINBERG: And what's -- what's the or so?
- 12 Can you be specific on the or so part of it? The next week,
- 13 I understand, the or so --
- 14 MR. GOODMAN: Or so a little bit longer, Your
- 15 Honor. I --
- 16 JUDGE STEINBERG: I remember some informal
- 17 meetings where numbers were supposed to be exchanged like,
- within a week to 10 days, and it was months and months and
- months and months, and nothing was ever exchanged. And I
- don't want that to happen here.
- 21 MR. GOODMAN: We will get back to Ascom by the
- 22 middle of the following week.
- JUDGE STEINBERG: Okay. So then we're talking
- 24 about 10 days.
- MR. GOODMAN: Ten days.

- JUDGE STEINBERG: And now how about with respect
- 2 to Sprint?
- MS. HENRY: As to Sprint, we have had no
- 4 settlement negotiations. I am prepared to make a demand if
- 5 Sprint wants to entertain such demand. But we have not made
- 6 a demand.
- JUDGE STEINBERG: Okay. Why -- why wouldn't
- 8 Sprint entertain such a demand?
- 9 MS. HENRY: Your Honor, quite frankly, the
- 10 experience we've had in this proceeding is that Verizon in
- 11 particular and Southwestern Bell as well have been
- interested in trying to resolve these cases. We just have
- had no indication of that from Sprint and have been advised
- 14 not directly, but we have been led to think to the contrary.
- 15 JUDGE STEINBERG: Okay.
- 16 MS. HENRY: But I am prepared, and, of course,
- 17 we're always happy to settle the case. And we're prepared
- 18 to do it if Sprint wants to do so.
- 19 JUDGE STEINBERG: Let me hear from Ms. Sisak.
- 20 MS. SISAK: We're happy to entertain any
- 21 settlement offers that are made.
- JUDGE STEINBERG: Okay. Do you have -- do you
- have a number that you can give back to them if they -- if
- you don't like their number?
- MS. SISAK: That's a little bit hard to say, Your

- 1 Honor. We've received some documentation which we are
- 2 reviewing now. But until I receive an offer with the
- 3 supporting documentation, it's hard to evaluate.
- 4 JUDGE STEINBERG: Okay. So, basically -- but
- 5 you're willing to look at --
- 6 MS. SISAK: We're absolutely willing to look at
- 7 any documentation they provide, check it against our
- 8 records, and entertain any settlement offer that they make.
- 9 JUDGE STEINBERG: Okay. Let me ask Ms. Henry when
- 10 something can be submitted to Sprint.
- MS. HENRY: I didn't know if Sprint -- when this
- 12 hearing is over. I have authorization right now.
- JUDGE STEINBERG: Okay.
- MS. HENRY: The point I did want to make, Your
- 15 Honor, is that we did produce the Ascom boxes. We've made
- them available. I think we've also made recently some
- 17 additional boxes available. We've done our production.
- Whether Sprint did have the opportunity to review it all, I
- 19 don't know.
- JUDGE STEINBERG: Okay. Well, why don't you give
- 21 them a number ASAP.
- 22 And, Ms. Sisak, can you have that evaluated and
- looked at and come up with a number in 10 days?
- MS. SISAK: I believe so.
- JUDGE STEINBERG: Okay. So we'll give 10 days.

- Now what about B.D.A. Sales, Inc.? And that's,
- 2 again -- involves Verizon.
- MS. HENRY: Yes, Your Honor. In that -- that
- 4 case, we have engaged in substantive negotiations. At
- 5 Verizon's request, we provided additional documents which
- 6 had also been produced, but I, again, had them hand-
- 7 couriered over to Verizon. And we have made a demand -- a
- 8 counter-demand to Verizon and are awaiting a response.
- 9 MR. GOODMAN: We had made an offer, got a counter-
- offer or a counter-demand. And we should be getting back --
- we'll have a response to that in a couple of days.
- JUDGE STEINBERG: Okay. So let's say -- so that
- 13 you can do within --
- MR. GOODMAN: By next Wednesday.
- 15 JUDGE STEINBERG: Does that look promising?
- 16 MR. GOODMAN: I think so.
- 17 JUDGE STEINBERG: Oh. You mean -- you already got
- 18 a counter-demand, and then you --
- MR. GOODMAN: Mm-hmm.
- JUDGE STEINBERG: The gap is narrowing.
- MR. GOODMAN: Yes.
- JUDGE STEINBERG: That's good.
- ETS Payphones, Inc.?
- MS. HENRY: On NYPAY -- we have a discrepancy
- 25 there. And while Verizon's counsel and I have discussed the

- 1 situation, we have not engaged in substantive negotiations.
- 2 It's their view that we have no damages. We are still
- 3 looking at the matter, and I hope to be in a position in the
- 4 next two weeks or so to make a demand, but I'm not now in
- 5 that position.
- JUDGE STEINBERG: Okay.
- 7 MR. GOODMAN: Our records have been turned over to
- 8 the Complainant. We think that NYPAY never paid these
- 9 charges to begin with. We're just looking for some
- indication from them, some kind of proof that they did pay.
- JUDGE STEINBERG: So, basically, you're looking
- 12 for -- you're going to get documents to them, if you have
- 13 them, showing that you paid?
- MS. HENRY: Documents or discussion of other
- 15 proof. You know, in some of these cases, we'll also have to
- 16 -- in fact, all of these cases, we'll have testimonial proof
- 17 as well. But we are not at the juncture where I feel
- 18 comfortable in making a demand. But that is -- that's
- 19 something I'm aware I need to do, and we are looking at it
- 20 very seriously.
- JUDGE STEINBERG: Okay. So let's skip down one.
- 22 How about Just-Tel?
- MS. HENRY: Just-Tel, we have engaged in
- 24 negotiations, actually, more than one round. And, as I
- commented to Mr. Goodman this morning, they had made a

- 1 counter to us, and I'm prepared today, after the meeting, to
- 2 respond to his latest counter. The gap is definitely
- 3 narrowing on that claim.
- 4 JUDGE STEINBERG: Okay. So something should be
- 5 known about that some time next week?
- 6 MS. HENRY: I would certainly hope so.
- JUDGE STEINBERG: Mr. Goodman?
- 8 MR. GOODMAN: I would agree with that.
- 9 JUDGE STEINBERG: And next is Mayflower.
- MS. HENRY: Mayflower being Crescent?
- 11 JUDGE STEINBERG: Let me -- it's 92-74.
- MR. GOODMAN: Yes.
- 13 MS. HENRY: Yes. Yeah, that's Crescent. Verizon
- 14 and I have had discussions on this one. We have a
- discrepancy over one time period. We have an agreement on
- 16 the damages for an initial time period. And, due to some
- 17 past discussions and some negotiations, another time period
- was dropped out, which we believe we have coverage for it as
- 19 well. And we're in the process of providing that
- information to Verizon. Then I believe we'll be able to go
- 21 further with negotiations.
- 22 Verizon had made an initial offer to us based on
- one number. But, not recognizing the second period, we want
- to talk about that period as well and make a counter.
- JUDGE STEINBERG: Okay.

- MS. HENRY: And I think that we can do next week.
- JUDGE STEINBERG: Mr. Goodman?
- MR. GOODMAN: Then whenever we get the
- 4 documentation as to the later time period, we'll be happy to
- 5 talk about it.
- 6 JUDGE STEINBERG: And New York City
- 7 Telecommunications Company? There's a couple of complaints
- 8 against Verizon then one against Southwestern Bell. So
- 9 let's take the Verizon one first.
- 10 MS. HENRY: That's Millicom.
- 11 MR. GOODMAN: Is that Millicom?
- MS. HENRY: Yeah. That's --
- JUDGE STEINBERG: Yeah. I've been using -- I've
- 14 been using the current names --
- MS. HENRY: Right.
- 16 JUDGE STEINBERG: -- because it's easier for me.
- 17 And I've been using them consistently, but, apparently, you
- 18 all are using the original names.
- MR. GOODMAN: Those are the names that are on the
- 20 bills and the documents and --
- 21 JUDGE STEINBERG: Yeah. Well, maybe I'm making
- 22 the wrong choice, but it -- you know, my orders aren't --
- MS. HENRY: We understand.
- MR. GOODMAN: Yeah.
- MS. HENRY: I mean, it's not a problem.

- 1 MS. INGRAM: We know --
- MR. GOODMAN: We know who's who.
- 3 MS. HENRY: Yeah.
- 4 JUDGE STEINBERG: Okay.
- 5 MS. HENRY: It's not a problem.
- 6 Millicom -- we -- Mr. Goodman and I have had some
- 7 preliminary conversations. We have some numbers, but we
- 8 have not exchanged them because there's some question of
- 9 what entities are involved, and we are in the process of
- 10 verifying that as well.
- I have computations for these entities, but I
- haven't yet presented them to Mr. Goodman. And that is
- another one. I think within a week or so we'll have those
- issues put to bed. In fact, we talk about numbers.
- JUDGE STEINBERG: So, basically, you think you can
- 16 talk about numbers within -- some time within 10 days?
- MS. HENRY: Yes, sir.
- 18 MR. GOODMAN: As to --
- 19 JUDGE STEINBERG: Mr. Goodman?
- MR. GOODMAN: As to these companies, our records
- 21 also indicate that they never paid, so that's obviously the
- 22 big hurdle that we need to get over, is some indication,
- some proof, documentation from the Complainants that they,
- in fact, paid the bills.
- JUDGE STEINBERG: Okay.

- MS. HENRY: And we do have that for certain
- 2 entities. And there is a question of -- Millicom is --
- 3 consists of many different entities. And it depends on what
- 4 name you look under and what documentation you look at. And
- 5 that's what -- the conversation Mr. Goodman and I needed to
- 6 have.
- JUDGE STEINBERG: Okay. Now I've got Southwestern
- 8 Bell. Now I granted a stay until today.
- 9 MS. HENRY: Yes, Your Honor. The process there --
- 10 and I think it's because of an overlap of the two of us
- being out of town at different times. We have exchanged a
- 12 draft settlement agreement. I have given my comments to Mr.
- Brown, and he is intending to -- and I hope today -- to get
- 14 his comments back on my comments. I don't have any
- objection to a form of dismissal, but, obviously, I can't
- 16 enter the dismissal until it's finalized.
- JUDGE STEINBERG: Right. Yeah. You have to give
- 18 it -- yeah. So I'll extend this date for a week.
- MS. HENRY: That would be no problem, Your Honor.
- 20 Thank you.
- 21 JUDGE STEINBERG: Okay. New York Pay Phone
- 22 Systems, Inc.?
- MS. HENRY: You finally hit a winner. We have an
- agreement in principle on that one with Verizon.
- JUDGE STEINBERG: Is it -- do you have a

- 1 memorandum of understanding signed and everything?
- MS. HENRY: Not yet.
- JUDGE STEINBERG: Or you have to work on that?
- 4 MS. HENRY: Well, we've exchanged, basically, e-
- 5 mails confirming that we have an agreement in principle.
- 6 JUDGE STEINBERG: Okay.
- 7 MS. HENRY: Mr. Goodman was so kind as to provide
- 8 me with a draft settlement agreement, and we are going to
- 9 put a draft together and circulate it in this next week.
- 10 JUDGE STEINBERG: So that's -- okay. But there's
- 11 an agreement in principle?
- MS. HENRY: Yes, sir.
- JUDGE STEINBERG: Fine. I'm happy. No more
- 14 questions on that one. Just -- I mean, given all the other
- things you have to do -- I'm not going to tell you how to
- 16 spend your time. That's up to you, but -- well, you know,
- so far we've got one out of eight -- two out of eight I'm
- 18 talking about.
- 19 All right. Telebeam Telecommunications
- 20 Corporation?
- 21 MS. HENRY: Yes, Your Honor. We had received an
- 22 offer from Verizon. We countered that offer.
- JUDGE STEINBERG: Okay.
- MS. HENRY: And we have had subsequent
- 25 discussions. And, again, there may be a discrepancy in the

- data. At Verizon's request, we provided additional
- 2 documentation to Verizon --
- JUDGE STEINBERG: Okay.
- 4 MS. HENRY: -- which, I believe, is being digested
- 5 now. And we have not yet moved any further in the
- 6 negotiations. But I think that will be happening soon as
- 7 well.
- 8 JUDGE STEINBERG: Mr. Goodman?
- 9 MR. GOODMAN: And the ball is in my court on that
- one, and I would hope to be able to get back with a response
- 11 by the middle of next week.
- 12 JUDGE STEINBERG: Okay. Now you get to stop
- 13 talking. We'll go to somebody else.
- 14 How about Best Payphones?
- MR. THOMPSON: Your Honor, as you know, we filed a
- motion to hold that case in abeyance. We do have an
- 17 agreement in principle.
- 18 JUDGE STEINBERG: Is it signed by everybody?
- 19 MR. THOMPSON: No, there isn't a written agreement
- 20 yet, Your Honor. There are some business reasons for
- 21 putting that -- putting off the written agreement for a
- little while longer, though we anticipate October the 1st
- 23 we'll have that one taken care of.
- JUDGE STEINBERG: Signed, sealed, and everything?
- MR. THOMPSON: Yes.

- 1 JUDGE STEINBERG: And Verizon concurs with that?
- 2 MS. INGRAM: Yes.
- JUDGE STEINBERG: Okay. I'll grant the stay
- 4 though I thought the 45 days was a bit much. I thought you
- 5 could do it sooner than that. But if -- I'll grant a stay
- 6 until October 1st so you -- I'll confirm this in a written
- 7 ruling or -- let's say for the reasons stated at the
- 8 conference. So that will be granted until at least October
- 9 1st.
- 10 And then, you know, within a week of that, if you
- 11 could file a joint motion to dismiss the complaint like --
- MR. THOMPSON: Right.
- 13 JUDGE STEINBERG: -- like it was done with, I
- 14 quess, Bell South.
- How about Kayson?
- 16 MR. THOMPSON: We have an agreement in principle
- 17 there too, Your Honor.
- 18 JUDGE STEINBERG: Yes.
- MR. THOMPSON: And that one literally should be
- 20 done --
- JUDGE STEINBERG: Okay. Okay.
- 22 So you don't want a stay on that one too?
- MS. INGRAM: We'll be done by next week.
- JUDGE STEINBERG: Okay. Okay. Now what I'm going
- 25 to propose to do is -- September 21 is supposed to be

- 1 exhibit exchange date. And my personal feeling is I really
- 2 think you ought to be spending your time trying to digest
- 3 what you've gotten on discovery, trying to digest -- there
- 4 are several orders I still have to get out, which we're
- 5 going to talk about in a few minutes, digest any other
- 6 material you may be getting and you may not be getting
- 7 rather than spending your time putting together exhibits.
- 8 Does anybody disagree with that?
- 9 MS. HENRY: Your Honor, I kind of have a variation
- on that issue. One reason I think that the settlement
- 11 negotiations themselves have moved forward is because we do
- have various obligations that we have to fulfill, and we've
- been able exchange documents, etcetera.
- 14 While I wouldn't object to postponing the date to
- exchange exhibits, I do think it's critical that you give us
- 16 a hard date, you know, preferably next week, by which all
- 17 the parties complete their document productions on these
- 18 ongoing motions to compel that are outstanding and that we
- 19 have a definite period when we're going to do fact
- 20 depositions.
- I was going to propose the week of the 17th,
- 22 keeping in mind our 21st deadline. I would be amenable to
- 23 moving that slightly in light of your thought about changing
- 24 the trial date, the trial exhibit date. But we, of course,
- would not want to change the hearing date to the 15th. We

- were going to be ready to do that day with what we've got at
- that point. We're going to try these cases.
- JUDGE STEINBERG: Well, the week of the 17th
- 4 you've got a Jewish holiday in there. I don't know if that
- 5 impacts on anybody or any of the deponents, so that would
- 6 have to be factored in. That might not be a good week for
- 7 some people.
- But I -- you know, I -- with respect to the
- 9 document exchanges and stuff like that, aside from the
- ruling on what should be produced and what shouldn't be
- 11 produced, I basically left the deadlines up to you guys.
- 12 And maybe you shouldn't have been so generous about granting
- 13 each other extensions.
- 14 MS. HENRY: Well, Your Honor, in some situations
- though documents are simply due to us, and we haven't
- 16 received them.
- 17 JUDGE STEINBERG: Okay.
- MS. HENRY: And we're told we're going to receive
- them, but we're not getting them. And so, unless Your Honor
- 20 says --
- 21 JUDGE STEINBERG: Okay. What -- who are you
- 22 specifically talking about?
- MS. HENRY: To my knowledge, we have not received
- 24 all the documents that are due us from Verizon, and I don't
- 25 know as to Sprint.

1	Is	that	correct?	Are	we	owed	any	documents	from

- 2 Sprint?
- MR. WINSBRO: I don't know that we have anything
- 4 outstanding from Sprint.
- 5 MS. HENRY: So it may be just as to Verizon --
- 6 MR. WINSBRO: We're looking into that now.
- 7 JUDGE STEINBERG: Okay.
- 8 MS. HENRY: -- that we owe documents. And, in
- 9 fairness, there are a few documents we yet owe that we're in
- 10 the process of producing. But we've produced over a hundred
- 11 -- almost two hundred boxes of documents, made them
- available, you know, fulfilled 99 percent of our discovery
- obligations. We've only received a small amount of
- documents from the various telephone companies.
- 15 JUDGE STEINBERG: Let me -- let me have Verizon
- 16 speak to that.
- 17 MS. INGRAM: Yes, Your Honor. Mr. Winsbro and I
- 18 have had numerous conversations over the last ten days.
- 19 I've made it clear that Verizon has now produced every
- document that it had and can produce on the first round of
- 21 discovery that we -- that we didn't object to. So it's not
- 22 true that we haven't produced all the documents or that I've
- 23 promised anything more up to this point.
- Last week, Mr. Winsbro and I did, in light of the
- judge's orders on my other discovery motions, Verizon did

- agree to produce additional documents. We didn't feel the
- 2 need to have Your Honor tell us what you had already told
- other Defendants that they needed to do, so we agreed to do
- 4 that, and that is now beginning.
- But, as far as what we've done in the past, we had
- 6 already given them all of the documents. We've also invited
- 7 Dickstein Shapiro to go to New York, use their ANI lists,
- 8 and look for the billing records. And, as of today, we
- 9 haven't been told whether or not they're going to do that.
- so we have given them all of the documents with the
- 11 exception of what I agreed with Mr. Winsbro last week that
- 12 we would give them.
- JUDGE STEINBERG: Okay. Did you agree on a date
- 14 by which you would give him the additional stuff?
- MS. INGRAM: I told him it would probably take two
- weeks because it involves a completely different part of our
- 17 company, and it involves the entire Verizon footprint. All
- 18 of our public -- and, Your Honor, these -- what we're going
- 19 to be giving is the documents on Verizon's pay phones.
- JUDGE STEINBERG: Okay. The -- okay. Your own --
- 21 MS. INGRAM: Yeah. We've given them the stuff
- 22 about their pay phones that we have, everything that we
- 23 have. And what we've done is gone back to your orders and
- 24 agreed to give them -- with a few exceptions that I'm sure
- Mr. Winsbro will move to compel on, we'll give them the rest

- of the documents on Verizon's payphones.
- JUDGE STEINBERG: Okay. And within two weeks?
- 3 MS. INGRAM: Yes.
- 4 JUDGE STEINBERG: Is that okay with you? I mean,
- 5 you shouldn't need -- the information on Verizon's pay
- 6 phones was in response to the part of the liability order
- 7 and the hearing designation order concerning the --
- 8 MS. HENRY: The public --
- 9 JUDGE STEINBERG: Yeah, the -- I forget the term
- 10 of art.
- MS. HENRY: Right.
- MR. GOODMAN: The proxy.
- MS. HENRY: Yeah. Right.
- 14 JUDGE STEINBERG: Yeah, the proxy stuff.
- So you shouldn't need that to firm up any kind of
- offers because that -- that might or might not be used at
- 17 the hearing.
- 18 MS. HENRY: Your Honor, there are a couple of
- 19 things. We do have a motion to compel prepared that we're
- 20 planning to serve today on Verizon. In fact, we'd like to
- 21 ask for an expedited briefing schedule. There are a couple
- 22 of categories of documents that are very important to our
- case that Verizon has refused to give to us.
- And as to the accessing the -- their computer
- 25 system to go through the ANIs, Verizon has taken the

- 1 position the only ANIs that we can input into its computer
- 2 system are the ANIs that are on the list that we had that we
- attached to our discovery, our discovery requests, not
- 4 withstanding what else we've discovered in discovery or
- 5 anything that they provide to us. We're moving to compel on
- 6 that.
- 7 They have provided what they call UCAL deduction
- 8 records to us in certain cases, showing that certain
- 9 entities purportedly did not pay UCAL. But they won't give
- 10 us the records to show that our other entities did pay the
- 11 UCAL by the fact that they're not on there.
- 12 So we're moving to compel on that. There are a
- 13 certain amount of things -- and these are all very important
- 14 to putting our trial case together. And while settlement is
- very important, and we do want to settle these cases, we are
- 16 preparing to try them on the 15th of October, and these are
- some of the things we need to do.
- JUDGE STEINBERG: Okay. Well, let me jus t--
- 19 there's something that I heard that I can dispose of today.
- 20 Okay. You -- this was this -- we had a dispute about you
- 21 attached a list to --
- MS. HENRY: Some discovery requests.
- JUDGE STEINBERG: Yes. And -- a list. And then
- you changed -- this is that Exhibit B stuff?
- MS. HENRY: Yes. I don't know if it's Exhibit B.

- 1 It --
- JUDGE STEINBERG: Okay, because this -- yeah.
- 3 This came up with one of Sprint's motions, one of the
- 4 motions with respect to Sprint. And I had them, and I
- 5 overruled their objection and said, "Use the" -- I quess,
- 6 the last --
- 7 MS. HENRY: Mm-hmm.
- 8 JUDGE STEINBERG: Darn it. I meant to bring my
- 9 orders folder, and I didn't.
- MS. HENRY: Yeah. Your -- Jack, you may have
- 11 some.
- 12 MR. WINSBRO: Yeah. I think --
- MS. HENRY: Yeah.
- 14 JUDGE STEINBERG: Yeah. Is that what you're
- 15 talking about? So --
- MR. WINSBRO: No, this is --
- 17 MS. HENRY: A ledger. Jack addressed that.
- 18 MR. WINSBRO: Yeah, this is a -- I mean, in Your
- 19 Honor's prior order you addressed the question as to which
- 20 Exhibit B Sprint was going to respond to in answering
- 21 interrogatories. What we will be raising in our motion that
- we're going to be serving and filing today is Verizon's
- 23 position that it will not permit the Complainants to conduct
- 24 ANI searches of any ANIs other than those that are
- 25 identified -- that were identified in exhibits to the

- interrogatories that were served on Verizon.
- MS. HENRY: That we served.
- MR. WINSBRO: That's right. And I should add,
- 4 Your Honor, in discussions this week with Verizon, Verizon
- 5 has also informed us that they would permit us another type
- of ANI search for -- base for current customers.
- JUDGE STEINBERG: Well --
- 8 MR. WINSBRO: That is not a topic of
- 9 discussions --
- JUDGE STEINBERG: Well, okay. Now let me see if I
- 11 can verbalize this so that my tiny little brain can
- 12 understand it. The Complainants' -- and I'm going to say
- 13 telephone numbers because that's what I'm -- I mean, ANIs
- doesn't mean anything to me.
- 15 But anyway, you -- by you, I mean the Complainants
- 16 -- gave Verizon a list of telephone numbers --
- MS. HENRY: That we had at the time and --
- JUDGE STEINBERG: Okay, that you had at the time.
- MS. HENRY: Right.
- JUDGE STEINBERG: Verizon has telephone numbers --
- 21 has additional telephone numbers for your clients, but they
- 22 won't let you look at their records for those additional
- 23 telephone numbers that your clients had, is that --
- 24 MS. HENRY: I'll --
- JUDGE STEINBERG: No?

- 1 MR. GOODMAN: No, Your Honor.
- 2 MS. INGRAM: Can I try?
- JUDGE STEINBERG: Yeah.
- 4 MS. INGRAM: Okay. In the initial discovery that
- 5 was submitted by the Complainants, they attached as exhibits
- to some of their interrogatories telephone numbers and said,
- 7 "Give us the billing records." And what Verizon has said to
- 8 that is, "Welcome to New York. Here is the computer. Go
- 9 for it."
- In recent discussions with Mr. Winsbro, we --
- JUDGE STEINBERG: Okay. And, as far as that goes,
- 12 that's okay with Complainant?
- MR. WINSBRO: Yeah, in terms of -- yes, that
- 14 we're --
- JUDGE STEINBERG: Okay.
- MR. WINSBRO: Yeah, we're --
- 17 JUDGE STEINBERG: Okay. So you'll send somebody
- 18 to go --
- MS. HENRY: Sure.
- JUDGE STEINBERG: Okay.
- MS. INGRAM: Okay. Recently, we've also learned
- 22 that we may have a database in existence that, if you plug
- in the name "Telebeam," and Telebeam is a current Verizon
- customer, it will pull up an ANI list and nothing more.
- MR. GOODMAN: Current ANI.

- 1 MS. INGRAM: Current ANIs.
- MR. GOODMAN: Not -- not telephone numbers that
- 3 were --
- 4 MS. INGRAM: Disconnected.
- 5 MR. GOODMAN: -- in service in 1993 and are no
- 6 longer in service.
- JUDGE STEINBERG: Okay.
- 8 MS. INGRAM: It may pull up some telephone numbers
- 9 for them, current telephone numbers that have been in
- 10 discovery for the entire period back to '91. And what I
- have told Mr. Winsbro is, for those telephone numbers,
- again, "Welcome to New York, and you can look for them if it
- was a telephone number that was in existence during the
- 14 relevant time period."
- What I've objected to is two things. One,
- apparently, Dickstein has gone out and found other ANI lists
- from the clearinghouse that they did not give us either in
- 18 their initial interrogatories or in supplementation to
- 19 discovery where we asked them, "Give us your telephone
- 20 numbers." We still haven't received them. We received some
- 21 of them in settlement negotiations but not as a formal
- 22 document production.
- And what I am objecting to now is the ongoing
- 24 discovery that we may be subject to every time Dickstein
- 25 Shapiro finds a new ANI, and they want to go up there. We

- 1 think that is not something that's covered by the current
- 2 discovery. We think even giving them the current list are
- 3 being liberal.
- 4 JUDGE STEINBERG: Let me think out loud. I mean,
- does everybody consider that, if somebody files a set of
- 6 interrogatories in June or July and gets the answers in
- 7 August -- pick August 3rd for just an arbitrary date -- and
- 8 then additional information comes to light that is
- 9 responsive to an interrogatory, does everybody agree that
- the answer that the party who answered the interrogatory to
- update the answers with additional information?
- MS. HENRY: Absolutely.
- JUDGE STEINBERG: Okay. So how is -- I see Mr.
- 14 Goodman and Mr. Ingram are shaking their heads yes.
- 15 Is that correct?
- MS. INGRAM: Right.
- 17 MR. GOODMAN: That's correct.
- JUDGE STEINBERG: So then how is -- I see the
- 19 distinction.
- 20 MS. INGRAM: The distinction is they were going to
- 21 give us the numbers. We were --
- 22 JUDGE STEINBERG: The distinction is -- is the
- 23 numbers. The number is coming from them and not --
- MS. INGRAM: Exactly.
- JUDGE STEINBERG: You don't know --

- 1 MS. INGRAM: They could have gotten these ANI
- lists. And from the time these hearings began, we've heard
- 3 from Dickstein about ANI lists. Our position is those ANI
- 4 lists could have been obtained, could have been attached to
- 5 the discovery they were requesting at the beginning from day
- 6 one.
- 7 JUDGE STEINBERG: Do you --
- 8 MS. INGRAM: And now -- and they did attach some,
- 9 but they didn't attach all. And by them now going, "Okay.
- 10 We've found additional ANIs. Here's some more, "that's a
- 11 new discovery request.
- JUDGE STEINBERG: Okay.
- MS. HENRY: Your Honor --
- 14 MS. INGRAM: That's our position.
- MS. HENRY: Your Honor, discovery is an ongoing
- 16 process. I mean, you don't limit a complainant to what
- 17 little evidence it has at the beginning of discovery and
- 18 say, "Well, gee, too bad. That's all you've got." And now,
- 19 although we have this discovery process, and you get to go
- 20 out and find more information, you can't do anything with
- 21 it."
- We've done that through the process. We have made
- 23 those documents available. It's new evidence. It's
- evidence we're going to use at this trial, and we're
- 25 entitled to gather the information from Verizon.

- JUDGE STEINBERG: Well, let me -- let me also put
- 2 -- let me put it this way. First, this isn't going to be
- 3 resolved today. We'll brief it, I guess. But I set August
- 4 3rd as the discovery completion deadline, and I said all
- 5 requests have to be timed so that everything is finished by
- 6 August 3rd.
- 7 Obviously, nothing new can be filed which would
- 8 require -- new discovery can be filed after August 3rd. And
- 9 I think I denied your request for a subpoena --
- MS. HENRY: For a subpoena, yes, Your Honor.
- JUDGE STEINBERG: -- on that basis. So there --
- and I've been very liberally interpreting that August 3rd
- 13 date. And the way I've been interpreting it -- I don't
- 14 think it's any secret to anybody -- is if something was
- 15 filed before August 3rd, which theoretically -- or the
- answer was due before -- on or before August 3rd, that's the
- 17 discovery we're going to finish. Anything new -- I'm not
- 18 going to allow anything new.
- 19 So like, the second sets of interrogatories, I
- think, were filed July 19th. And so there were two weeks to
- 21 respond to that, which would -- let me see. We couldn't --
- yeah -- which would bring it to like, August 2nd.
- 23 So since that could theoretically be finished by
- 24 the August 3rd date, I'm saying, okay, let's proceed with
- 25 the motions to compel, and I'll issue rulings. But anything

- 1 new, I'm not going to allow. And it would be different if
- 2 -- well, I'm not going to say anything more. We'll just
- 3 brief it.
- But that's what's going through my mind. And
- 5 what's in my mind now is, seems to me that if -- if they,
- 6 meaning Verizon, were discovering additional information,
- yes, discovery is an ongoing thing. And if they find stuff
- 8 that's within the discovery requests that were filed before
- 9 August 3rd, they have an obligation to turn it over to you.
- But if you find stuff independently of them, you
- don't have another opportunity to ask them because it's
- 12 after August 3rd. I mean, that's what's going through my
- 13 head, and I'm thinking out loud.
- MS. HENRY: Your Honor, the problem is that the
- information is in their possession all along, and they could
- have given it to us, and they won't. And so we're having to
- 17 go to other sources to say, "Okay. You won't tell us, so
- 18 we're going to tell you -- we're going to give you more
- 19 information that you already have so we can access that next
- 20 layer."
- 21 So it's their own failure to comply that's forcing
- us. That's why we asked for the subpoena, because we have
- 23 to go to another source to give them back what we know they
- 24 have in their computers.
- JUDGE STEINBERG: Really?

- MS. HENRY: And that's part of the process we're
- 2 going through.
- JUDGE STEINBERG: Okay.
- 4 MS. HENRY: It's our view, again, that these are
- 5 incorporated in the original discovery request. Our motion
- to compel won't be addressing just that.
- 7 JUDGE STEINBERG: Oh.
- 8 MS. HENRY: It also addresses documents that they
- 9 provided as an overly redacted form for -- etcetera, for
- 10 example, in other documents that they had withheld from us.
- JUDGE STEINBERG: Okay.
- MS. INGRAM: Your Honor, we've told Dickstein
- 13 Shapiro from day one that we don't have ANI lists, so we
- 14 couldn't give it to them. It's not new to them that we
- don't have these ANI lists. So they could have gone out
- 16 before we ever got to Your Honor's chambers and got these
- 17 ANI lists and attached them to interrogatories.
- When we responded to their interrogatories, we
- 19 told them we didn't have ANI lists. We told them over and
- 20 over and over again that we don't have these lists. They
- 21 could have gotten them a long time ago. They could have
- 22 attached them and asked about them a long time ago.
- JUDGE STEINBERG: Okay. Let's --
- MS. HENRY: Yeah.
- JUDGE STEINBERG: Let's not talk about this

- 1 anymore. We can brief it and -- okay. Anyway, let's get
- 2 back to my -- what I was going to do is suggest that we meet
- 3 -- that we have another conference on Friday the 21st and
- 4 more or less talk about settlement again and see -- see
- 5 what's been settled and what's not been settled because,
- 6 according to the discussion we've had this morning, lots of
- 7 settlementing should be done in the next week to 10 days.
- 8 And -- does everybody agree with that?
- 9 MS. HENRY: Again, Your Honor, my only -- I
- 10 approve every effort to settle these cases. My only concern
- is that between the 21st of September and October 15th we
- 12 will need to have completed all fact depositions, all expert
- depositions, and all document productions that aren't
- 14 completed by the 21st. And that's the only thing I just
- 15 urge Your Honor to keep in mind.
- 16 JUDGE STEINBERG: Okay. Well, I think I'm going
- 17 to leave the 21st date alone and that, I guess, if you don't
- 18 come up with settlements, the settlements in principles,
- 19 then you come up with exhibits. I'll entertain a -- if
- there's a joint motion to put the date off, then I'll
- 21 entertain that, and that should make everybody not happy.
- MS. HENRY: That's fine, Your Honor.
- JUDGE STEINBERG: Anybody have any problem with
- 24 that?
- MR. GOODMAN: So the date -- on the 21st --

- JUDGE STEINBERG: Well, we'll have a pre-hearing
- 2 conference. You want to have it on a -- 10 days would be
- 3 the -- do you want to make it on the -- like the 19th? Have
- 4 another conference on the 19th or the 20th rather than you
- 5 -- rather than overlapping the exhibit exchange date?
- 6 MS. SISAK: I think that would be preferable.
- JUDGE STEINBERG: Pardon me?
- 8 MS. SISAK: I think that would be preferable.
- 9 JUDGE STEINBERG: Everybody prefer that? Do you
- 10 have any --
- MS. HENRY: I don't object to doing that as long
- 12 as we still have the 21st date in place.
- JUDGE STEINBERG: Yeah, we'll leave that alone.
- 14 How about the 19th?
- 15 MS. HENRY: That would be fine, Your Honor.
- JUDGE STEINBERG: Okay. That's the day -- Rosh
- 17 Hoshanah is on the 18th. Does the 19th -- is that a problem
- 18 for anybody?
- MS. HENRY: No, Your Honor, not here.
- 20 MR. GOODMAN: I have a 10:00, but I could do it in
- 21 the afternoon.
- JUDGE STEINBERG: Okay. What time?
- MR. GOODMAN: 2:00.
- MS. HENRY: That's fine, Your Honor.
- JUDGE STEINBERG: Is 2:00 okay with everybody? So

- 1 that's Wednesday. It's four months before my birthday, so
- 2 you -- early birthday party.
- MS. HENRY: The settlements, I presume, would be
- 4 great gifts.
- JUDGE STEINBERG: That would be nice. That would
- 6 be very nice.
- 7 Okay. Now let's turn to the discovery motions
- 8 that are currently pending. And I've got -- now the first
- 9 thing that I have, which is kind of ancient -- it's
- 10 Verizon's objections to latest wave of discovery and motion
- 11 to quash and for protective order, filed August 1st of this
- year, and an opposition to that filed by various
- 13 Complainants on August 22nd.
- 14 I've specifically been sitting on this one because
- it was my understanding that Verizon and the various
- 16 Complainants were trying to work through these objections on
- 17 their own to try to narrow the issues involved. Am I
- 18 correct on that? Let me ask Ms. Ingram.
- 19 MS. INGRAM: Yes. We're -- we haven't done it
- 20 specifically. We've been working on the first round. But
- 21 we are -- we are aware that Dickstein has withdrawn a number
- 22 of their initial interrogatories and document requests. And
- we need -- Jack and I just need to sit down and work through
- 24 those.
- JUDGE STEINBERG: Let me -- and --

- MR. WINSBRO: We've had -- we've had discussions
- on the first set of document requests and interrogatories.
- 3 We really haven't had any substantive discussions on the
- 4 second set.
- 5 JUDGE STEINBERG: So I skimmed through --
- 6 MR. WINSBRO: I believe in our motion we didn't
- 7 attempt to enforce. In light of Your Honor's earlier
- 8 orders, we didn't seek to enforce all of the interrogatories
- 9 and document requests, so they've already been narrowed.
- MS. HENRY: But we recognized Your Honor's order
- and said, "Well, in light of that, we've abandoned these
- 12 requests, but there are still others that we believe we're
- entitled to." And I think we'd like to get that resolved.
- JUDGE STEINBERG: I'm going to keep -- I mean, I
- 15 -- first, there's a very preliminary question. And that one
- is, with respect to the second set, whether it was timely
- filed. And you've heard what I said this morning, my -- as
- long as it was filed so that you could theoretically respond
- 19 before August 3rd, I'm interpreting that as timely filed.
- 20 So that -- that's one of the underlying premises of this, of
- 21 your motion.
- 22 Would it be -- well, would it be okay? Anything
- 23 -- I'm the judge. It would be okay. I'm going to keep
- sitting on it, and why don't you keep working on it. I
- 25 think a lot of the questions involved in -- in the motion to

- 1 quash -- I think you can predict what my rulings would be
- 2 based upon my earlier rulings.
- And I think Ms. Ingram's answered this. My
- 4 interpretation is, if you've got lists of telephone numbers
- 5 regarding these Complainants within the relevant time period
- 6 -- and I think one of my earlier rulings discussed the
- 7 relevant time period with respect to the complaint against
- 8 Verizon -- then i -- then they are entitled to get them.
- 9 And that -- this comes up in one of the things against
- 10 Sprint that I just read this morning.
- You know, if you've got telephone numbers, and
- 12 they're the Complainant telephone numbers, and they're for
- the relevant time period, as I've stated in my earlier
- orders, then they're going to get them. And you may as well
- 15 start getting them together now because I think they're
- 16 entitled to the information.
- 17 Another thing is, if you've already asked the
- 18 question in the first set of interrogatories, and it's --
- and it's not a follow-up question, you're not going to get
- the answer again. You've had it once. Once is enough.
- 21 So I'm going to sit on it. You two see what you
- 22 can work out. And, if you can't work out something, then
- 23 come to me for a ruling on whatever you've narrowed it down
- 24 to, and I'll -- hopefully, I'll be able to dismiss your
- motion to quash as moot some day in the future. I mean,

- 1 that's what my hope is.
- If I have to rule -- and, also, I prefer it --
- 3 when you talk about -- rather than talking about it in broad
- 4 generalities, talk about specific interrogatories --
- 5 MS. HENRY: Right.
- 6 JUDGE STEINBERG: -- because it makes my job
- 7 easier when I know exactly -- when I don't have to guess
- 8 about what the -- what the areas of dispute are.
- 9 And although I realize that there are a lot of
- 10 different sets of interrogatories and motions to produce,
- 11 etcetera filed against Verizon, maybe you could pick one
- 12 copy and work off of that, and that applies to everybody.
- 13 And that way -- in other words, just pick the most
- 14 comprehensive or the least comprehensive or something in the
- middle and say, "Okay. Instead of going over 17 of these,
- we'll do one. And if we have a disagreement about that,
- we'll just submit that one to the judge, and that will apply
- 18 universally."
- 19 That makes my job a heck of a lot easier. And it
- 20 may -- I'm thinking it would make your job a heck of a lot
- 21 easier.
- 22 Okay. The second thing I have is Ascom's motion
- 23 to compel responses to second set of interrogatories and
- second set of requests for production of documents from
- Defendant, Sprint Corporation. And that was filed on August

- 22, 2001, and there was response opposition by Sprint filed
- 2 September 5, 2001.
- I have just received it this morning, the file
- 4 copy this morning. I skimmed it over this morning, which is
- 5 why I made the comment about the ANI lists, because I think
- 6 that's in here somewhere. Maybe it's not. Maybe I'm
- 7 confusing things.
- 8 MS. SISAK: I don't recall.
- JUDGE STEINBERG: But I'll rule on this next week,
- 10 and if -- if there's additional documents or additional
- answers, I'll make them due within the 10 days or whatever
- 12 period. I mean, unless you want -- if there's other stuff
- 13 you want, you want to make it a shorter period, I can
- 14 certainly make it a shorter period. I don't know that any
- of this will be granted. Or it might all be granted. I
- 16 don't know.
- MS. HENRY: To the extent you can expedite any
- 18 rulings, I think it helps the parties.
- JUDGE STEINBERG: Well, I mean, I'd like to give
- 20 -- if somebody's going to produce additional stuff, I'd like
- 21 to give them an opportunity to do it, but maybe you
- 22 shouldn't be generous about granting an extension, you know,
- or agreeing to an extension.
- The third thing that I have -- the third thing
- 25 that I have is motion and memorandum to compel answers to

- 1 Defendant's second set of interrogatories from Complainant,
- 2 Ascom Holding, Inc., and that was filed by Sprint on August
- 3 24, 2001. And an opposition was filed by Ascom on September
- 4 4, 2001. And, essentially, the opposition said, "Here are
- 5 supplemental answers. Let me ask Ms. Sisak.
- 6 Have you had an opportunity to look at the
- 7 supplemental answers?
- 8 MS. SISAK: Well, Your Honor, the information that
- 9 was actually provided does not respond to all of the
- 10 questions. We've been told that there are boxes of
- 11 additional documents at their offices that we can come and
- inspect. But I believe that is only going to be available
- 13 to us next week.
- MR. WINSBRO: We'll proffer them to you on Monday.
- MS. SISAK: And I would just like to point out
- 16 again a comment was made earlier about how boxes and boxes
- 17 of documents had been made available to the Defendants
- 18 earlier in this proceeding. And when we went through that
- 19 process the first time, there were eight boxes of documents
- 20 presented to us, none of which contain any documents
- 21 concerning our case. And I just hope that, if we are forced
- 22 to again go over to their offices to review additional boxes
- of documents, that they do, in fact pertain to our case.
- MS. INGRAM: We second that. We've had a similar
- 25 experience.

- MR. JACKSON: Your Honor, I would like to add that
- 2 the incident that Ms. Sisak was just referring to -- the
- 3 eight boxes apparently contained billing information that
- 4 had been sent by Verizon in its various former incantation
- 5 names.
- JUDGE STEINBERG: Well, stuff happens.
- 7 MS. SISAK: Well, yes, Your Honor, things happen,
- 8 but the problem is, if the documents are not provided to us,
- 9 and we agree again to go over to their offices to review
- documents, and they are, again, not the correct documents,
- 11 then this process simply continues.
- We, on the other hand, simply attached all the
- documents that we had and provided them to the Complainant.
- 14 And we would think the same should be done for the documents
- 15 that they have referring to us.
- 16 JUDGE STEINBERG: Well, that's -- you all arrange
- 17 -- if you want -- do you want them delivered to you?
- MS. HENRY: If they want to pay for cost of
- 19 copies, we'll --
- JUDGE STEINBERG: I mean, whatever you want to do.
- MS. HENRY: Whatever they want.
- JUDGE STEINBERG: I mean, I'm not going to get in
- 23 the middle of that.
- MS. HENRY: Yeah.
- JUDGE STEINBERG: And just -- just somebody go

- over the documents and make sure that they're -- that they
- 2 pertain to --
- MS. HENRY: Without belaboring the obvious, I take
- 4 exception to it. I won't --
- JUDGE STEINBERG: Okay.
- 6 MS. HENRY: I won't address it with Your Honor,
- 7 but I take exception to these characterizations.
- 8 MS. INGRAM: Well, no. It's important because we
- 9 went from 200 Millicom documents -- 200 boxes of Millicom
- 10 documents down to 70.
- JUDGE STEINBERG: Down to what?
- MS. INGRAM: Down to 70. We requested to see the
- 13 Millicom documents that had supposedly been made available
- 14 to us. It took us a week and a half to two weeks before
- 15 Dickstein got them ready for us. It went from 200 boxes
- down to Tennessee. When it finally made its way to
- 17 Washington, it was 70 boxes, and it wasn't Bates numbered.
- 18 In fact, none of them have been Bates numbered.
- And I think Dickstein's position, which I don't
- dispute, is that, "You come look at them, Verizon, and we'll
- 21 Bates number what you want." But if we had just said, "Give
- us the 200 boxes," we would have had to sift through 200 to
- get it down to 70 responsive boxes. And I think that's what
- 24 Ms. Sisak is talking about.
- MR. WINSBRO: Your Honor, if I could just address

- 1 that, I actually personally went to the storage shed in
- 2 Knoxville, Tennessee where the Millicom documents were
- located, and we ended up loading 167 boxes of documents on
- 4 that truck.
- 5 MS. HENRY: Personally.
- 6 MR. WINSBRO: We went through them. We went
- 7 through them to eliminate unresponsive material that had
- 8 nothing to do with Millicom's damages claim, which is why
- 9 they reduced to 70 boxes. I mean, if Verizon was interested
- in looking at nonresponsive materials, I guess that's
- 11 something -- we'll open to that invitation. But --
- 12 MS. HENRY: We thought we were assisting them.
- MR. WINSBRO: But --
- 14 MS. INGRAM: Well, no. We don't want to be told
- 15 there's 200, and then, when we finally push them to give
- them to us, it takes a week and a half to get 70.
- 17 MS. SISAK: Or worse yet, have our client pay to
- 18 photocopy numerous boxes of documents that have nothing to
- do with our case, which is what Complainant is requiring.
- 20 We pay for photocopies.
- 21 MR. WINSBRO: We'll make them available for your
- 22 review so you can select -- we make the documents available
- for your review so you can select which documents you're
- 24 interested in.
- JUDGE STEINBERG: Well, I don't want to -- I don't

- 1 want to argue about this. This is -- you know, you all work
- 2 it out. And if your clients want to make the bills and do
- 3 it, that's between you and your clients. I mean, just make
- 4 it available, and make sure it's pertinent.
- MS. HENRY: WE've made it available, Your Honor.
- 6 JUDGE STEINBERG: And then, if you want to look at
- 7 non-pertinent stuff, he's welcome --
- 8 MS. INGRAM: We don't. We don't think they're
- 9 allowed to do it. We don't think they're allowed to give us
- 10 200 and have only 70 of it be relevant, and Verizon's
- 11 required to figure out what is and what isn't.
- JUDGE STEINBERG: Well, my thought -- Mr. Winsbro
- 13 said he went and -- well, anyway, I'm not going to --
- MR. WINSBRO: We -- yeah, we narrowed it --
- JUDGE STEINBERG: Yeah. Let's not get into this.
- 16 The original question I had from Ms. Sisak was, did you --
- MS. SISAK: And, Your Honor, the issue is --
- 18 JUDGE STEINBERG: There are additional answers.
- 19 There was a -- let me just give you this -- Complainant's
- 20 supplemental responses and objections to Defendant's second
- 21 set of interrogatories. I think that was September 4th.
- 22 Did you --
- MS. SISAK: We reviewed the information.
- JUDGE STEINBERG: Were you satisfied with the
- 25 information in there?

- MS. SISAK: We reviewed the information which was
- 2 attached. And I believe there is additional information
- 3 which is to be made available to us but has not yet been
- 4 made available.
- JUDGE STEINBERG: Well, let me just see. Okay.
- 6 Let's say -- there's interrogatory one. The answer is, they
- 7 don't have any of this stuff. Okay. So that's an answer.
- 8 And you're happy with -- you might not be happy with the
- 9 answer, but seems to me like it's a substantive answer.
- 10 MS. SISAK: That's fine.
- JUDGE STEINBERG: Okay. Interrogatory two, the
- answer is basically, "We don't have any." We don't -- you
- know, the answer doesn't say this directly, so it might be
- 14 considered evasive. But the way I read it is, "We don't
- 15 have any documents -- we don't have anything in our
- 16 possession which would allow us to answer this
- interrogatory, " which is, in essence an answer. Is that a
- 18 correct interpretation?
- 19 MR. WINSBRO: Correct.
- MS. SISAK: Yes, Your Honor.
- 21 MR. WINSBRO: It's a correct characterization.
- JUDGE STEINBERG: Okay. Do you accept that?
- MS. SISAK: Sure.
- JUDGE STEINBERG: Okay. Same thing with -- with
- interrogatory three. They attached a one page memo.

- 1 MS. SISAK: Which apparently had nothing to do
- 2 with our case.
- MR. WINSBRO: It has nothing to do --
- 4 JUDGE STEINBERG: Well, that's subject to
- 5 interpretation that they were being overly cautious. It
- 6 might have something to do, so they attach it. So you can
- 7 interpret that as they're being very generous with their
- 8 documents.
- 9 MS. SISAK: Your Honor, I --
- 10 MR. WINSBRO: I think that's a correct
- 11 interpretation.
- MS. SISAK: I think they're only supposed to --
- JUDGE STEINBERG: Let the record reflect tongue in
- 14 cheek.
- MS. SISAK: Thank you, because, obviously, if they
- think that document has something to do with our case, they
- should explain why they think it has something to do with
- 18 out case.
- MR. WINSBRO: Yeah. I'd be happy --
- JUDGE STEINBERG: You didn't ask them to explain.
- MR. WINSBRO: No. They haven't raised this with
- 22 us at all.
- JUDGE STEINBERG: But anyway, it's too late.
- MR. JACKSON: Your Honor, that document that they
- submitted refers to pay phones in three states, New York,

- 1 Pennsylvania, and one other. I don't remember the last one.
- 2 The only thing it talks about in the state of Pennsylvania,
- 3 where United Telephone operates, has to do with pay phones
- 4 at Penn Station in Philadelphia. And they say in there that
- 5 those are Bell pay phones. They have nothing to do with us.
- JUDGE STEINBERG: Okay. Well, so now you can
- 7 throw out the document. I mean -- but it was a response to
- 8 your -- I mean, would you agree that they responded to your
- 9 interrogatory?
- 10 MR. WINSBRO: I will represent --
- JUDGE STEINBERG: It's a specific response --
- MR. WINSBRO: I represent that document as as
- 13 close as anything we've found that was responsive to that
- 14 interrogatory.
- JUDGE STEINBERG: Was that a substantive response?
- 16 MS. SISAK: I propose the true response is they
- 17 had no document referring to our case.
- JUDGE STEINBERG: Okay.
- 19 MS. SISAK: But I don't think it's a response to
- 20 provide a document that doesn't pertain to your case.
- JUDGE STEINBERG: Okay. So -- but it's a
- 22 substantive -- I mean, you're not happy with the answer, but
- 23 you agree it's an answer, a substantive answer?
- MR. WINSBRO: We'll be happy --
- MR. JACKSON: A substantive non-answer.

- MR. WINSBRO: We'll be happy to amend our
- interrogatory to say we have no responsive documents.
- JUDGE STEINBERG: Okay. So --
- 4 MS. SISAK: Is that -- is that the case? And this
- is the problem, Your Honor. When they attach a document
- 6 that doesn't have anything to do with your case, then you
- 7 wonder, "Is that what they meant to attach, or is there
- 8 something else out there." But if the amended answer is --
- JUDGE STEINBERG: Well, you can pick up the phone
- 10 -- pick up the phone and ask.
- MS. HENRY: Yeah, that -- questions haven't been
- 12 asked like that, Your Honor.
- JUDGE STEINBERG: That's all. Just pick up the
- 14 phone. I mean, you know, you can pick up the phone and ask
- 15 that. I hope you're not making archenemies of each other,
- but I understand that it's very frustrating. But pick up
- 17 the phone and ask. If you want -- want me, you can
- 18 conference me in, and I'll force an answer.
- MS. HENRY: We haven't been asked, Your Honor.
- JUDGE STEINBERG: Okay. Well -- but that's what
- 21 I'm suggesting, that everybody pick up the phone and ask.
- 22 Or you can go ahead --
- MR. THOMPSON: Your Honor, may I take this
- opportunity -- if the rest of the conference is related to
- 25 these motions, may I be excused?

- JUDGE STEINBERG: Sure.
- MR. THOMPSON: Thank you.
- JUDGE STEINBERG: Sure.
- 4 MR. THOMPSON: Thank you very much.
- 5 JUDGE STEINBERG: I appreciate your staying to
- 6 this point.
- Okay. Now did we get all the way up to four, or
- 8 was that three?
- 9 MS. HENRY: That was three, I think, Your Honor.
- 10 JUDGE STEINBERG: Okay. Four. Okay. Four
- 11 basically says, "We don't have any documents which would
- 12 allow us to answer this." So the answer to the -- is
- 13 basically, "We don't know."
- MS. SISAK: May I ask a clarification?
- 15 JUDGE STEINBERG: Sure.
- 16 MS. SISAK: What are the three boxes that you know
- 17 claim to have --
- 18 MR. WINSBRO: It's a total of four boxes, and they
- 19 contain -- Mr. Trotter is probably more familiar than I am
- of the contents.
- MS. HENRY: With the contents of the boxes.
- 22 MS. SISAK: So they are not responsive to the
- 23 second interrogatories?
- MR. WINSBRO: Mr. Trotter will describe the
- contents of the boxes for you.

- MS. HENRY: It might take us a minute to tell you
- 2 what we have.
- JUDGE STEINBERG: If you want to come up by a
- 4 microphone --
- 5 MS. SISAK: Or we can discuss this later, but --
- 6 JUDGE STEINBERG: I mean --
- 7 MS. SISAK: Possibly I was confused, Your Honor.
- 8 I thought when we were told there were no boxes of documents
- 9 that referred to the second interrogatory.
- MR. WINSBRO: The boxes of documents responsive to
- 11 discovery requests served both by Sprint and by Verizon --
- MS. INGRAM: For Ascom?
- MR. WINSBRO: Yes, for Ascom.
- 14 MS. INGRAM: There are nine boxes.
- MR. WINSBRO: There are four boxes.
- MS. INGRAM: Well, we've looked at nine.
- MR. WINSBRO: We've produced --
- MS. INGRAM: There were seven and then the three
- 19 or four --
- 20 MR. WINSBRO: These are the new four boxes. These
- 21 are the boxes that --
- MS. INGRAM: Right.
- MS. HENRY: We've already produced quite a few of
- 24 ours.
- MS. INGRAM: Right. And we've already looked at

- 1 them total.
- MR. WINSBRO: There are four boxes I've been
- 3 speaking to Michael Dyson about.
- 4 MS. INGRAM: Right. I guess -- I mean, I guess
- 5 I'm confused.
- 6 MR. WINSBRO: These are the same four boxes --
- 7 MS. INGRAM: Well, you never said they were
- 8 original ones though.
- 9 MR. TROTTER: There were eight original --
- 10 MS. INGRAM: There's a total of 11.
- MR. WINSBRO: There were eight original boxes.
- 12 That's correct.
- 13 MS. SISAK: And I am confused as well. I only
- 14 want the boxes that deal with Ascom and the United
- 15 Companies. I don't want the Verizon boxes.
- MS. INGRAM: You don't want the --
- MS. SISAK: No, thank you.
- MS. HENRY: Yeah. Well, we produced the bills,
- 19 and then we've got additional documents to produce. I mean,
- 20 some of these documents are ordinary course of business
- records, Your Honor, and they're going to be produced in the
- 22 ordinary course. And I think that's part of what -- this
- whole to-do about Millicom is, their ordinary course of
- 24 business records. We did -- we actually went to the trouble
- of trying to sort them out for them, but we don't -- we're

- 1 not going to be able to do that.
- These are some additional documents we received
- from the client that we believe are responsive, that we
- 4 believe we will be using at the hearing. And we're just --
- 5 you know, we are trying to be overly generous and say, "If
- 6 you'd like to see them, they're available. If you don't
- 7 want to see them, don't come over."
- 8 JUDGE STEINBERG: This is -- okay. So this is --
- 9 these are additional documents that might be responsive to
- 10 both the first and second or whatever?
- MS. HENRY: Yes, Your Honor. Yes, Your Honor, and
- 12 we've made them available.
- JUDGE STEINBERG: Okay. But my initial question
- is, we have Complainants -- okay. We have a motion that was
- 15 filed by Sprint to compel answers to the second set of
- interrogatories, one through five. And what I'm trying to
- 17 determine is whether -- whether Ms. Sisak has any problem
- 18 with the answers other than the fact that the one document
- 19 doesn't pertain. I mean -- because I'd like to maybe
- 20 dispose of this today.
- MS. HENRY: That would be nice, yeah.
- MS. SISAK: Certainly, Your Honor.
- JUDGE STEINBERG: Certainly what?
- MS. SISAK: Certainly. Go ahead dispose of it.
- JUDGE STEINBERG: Well --

- 1 MS. SISAK: I -- if they have -- if you believe
- they have answered the questions, then there's, you know,
- 3 nothing more for me to say.
- 4 JUDGE STEINBERG: Well, some of them are more
- 5 answered directly, which is why I've got -- I mean,
- 6 basically, when you say -- where Ascom says -- okay. One is
- 7 clear to me. You don't -- when Ascom says it does not
- 8 currently have in its possession, custody or control any
- 9 information or documents regarding which specific pay phones
- were installed outdoors, what you're saying is you can't --
- 11 you can't answer interrogatory two because you don't have
- 12 the -- have anything upon which to base an answer.
- MR. WINSBRO: That's correct.
- 14 JUDGE STEINBERG: Okay. And same thing with
- 15 interrogatory three. No. With respect to interrogatory
- 16 three, the only thing you have is what Ms. Sisak refers to
- as the non-responsive document or the non-pertinent
- 18 document.
- 19 MR. WINSBRO: That is --
- JUDGE STEINBERG: So you don't have anything more?
- 21 MR. WINSBRO: We don't have anything other than
- 22 that.
- MS. HENRY: No.
- JUDGE STEINBERG: And with respect to
- interrogatory four, you say you don't have currently in your

- 1 possession, custody, or control any information or documents
- 2 regarding which specific pay phones, etcetera, etcetera, you
- 3 have no documents from which you can formulate an answer.
- 4 MS. HENRY: That's correct, Your Honor.
- 5 JUDGE STEINBERG: Okay. And the number --
- 6 interrogatory five with respect to the bankruptcy matter,
- 7 are you satisfied with that? There was a --
- 8 MS. SISAK: Oh. Okay. I guess those were the
- 9 documents they would make available.
- JUDGE STEINBERG: Well, just a statement of
- 11 various dates and what courts and docket numbers were
- 12 related to the bankruptcy filing.
- MS. SISAK: Right.
- 14 JUDGE STEINBERG: I mean, that seems to answer the
- 15 question. Okay. Basically, so then I'm going to deny the
- motion to compel because it's my belief that, as
- 17 supplemented today, the interrogatory -- as supplemented
- 18 today and as supplemented by Ascom's September 4
- 19 supplemental responses, the questions have been answered.
- Now I even had an order that I was going to
- 21 release, but I decided I might as well do something -- I
- 22 don't like doing -- I'd much rather do it in writing.
- However, at the same time as I'm denying your
- 24 motion, I'm also overruling some of Ascom's objections for
- record purposes. And, first, there was an objection that

- 1 Sprint's records may reflect some of the same information
- 2 from questions in the second set of interrogatories. That's
- 3 -- objection on that basis is overruled because, before
- 4 that, the fact that both parties may have the same
- 5 information doesn't preclude you getting whatever the other
- 6 party has from that party, and it's just consistent.
- 7 Then there was also objection that the information
- 8 sought was not reasonably calculated to lead to discovery of
- 9 admissible evidence. And I'm overruling that objection with
- the exception of interrogatories 4(d) and (e), which I don't
- 11 think are reasonably calculated. But that's okay since
- there are no documents from which Ascom can answer any of
- 13 the four. So it's -- but I just -- for record purposes, in
- case it ever comes up in the future that you can't argue
- that, well, I denied the motion to compel, therefore, the
- objections must have been valid.
- Okay. Now we talked about depositions, and,
- obviously, I want all the depositions to be finished before
- 19 the hearing, preferably before the admissions session. But
- 20 I do realize that, if anybody offers expert testimony, that
- 21 you can wait until, you know, the -- I guess that would come
- up in the exhibit exchange, and then you can -- if there's
- any depositions of experts that are required, you can do
- that whenever everybody agrees to do it.
- But I want any depositions that are going to be

- taken to be finished before the admissions session. And
- 2 finished, I mean, finished. I tried not to micromanage the
- 3 discovery in this case, and I left the scheduling of the
- 4 depositions up to the parties. And if you don't -- if you
- 5 don't agree on a schedule, then, obviously, come to me, and
- 6 I'll fabricate one out of whole cloth. But I want to finish
- 7 by October 1st if that's the --
- 8 MS. HENRY: That's the admission side of that,
- 9 Your Honor.
- JUDGE STEINBERG: Yeah. The last thing I want to
- 11 talk about i -- and I don't know if everybody understands
- 12 this. There's -- there was, in Verizon's motion to quash in
- 13 the -- there was a section in there talking about the
- 14 relevant dates. And it -- Verizon urged me to, I guess,
- 15 pick up the formal complaints. And this is for purpose of
- the writing back rule in the statute of limitations -- pick
- 17 up the formal complaints and look at the formal complaints
- and then make a ruling as to the relevant time periods.
- 19 Well, the relevant time periods, I think, are a
- 20 component of the damages, and that's going to be a matter
- 21 that's going to have to be proved at the hearing. And this
- led me to think about, well, what does everybody think the
- record is, you know, what I'm going to base my decision on.
- 24 And let me tell you what my perception of that is.
- Right now, we've got a totally empty box. And on

- the box is a sign that says, "Record." There are going to
- 2 be exhibits offered and exhibits received. When an exhibit
- is received, it goes into the box. If it's rejected, it
- 4 doesn't go into the box. It's not part of the record.
- 5 There's going to be testimony, and the testimony goes into
- 6 the box.
- 7 And whatever is in the box at the end of the
- 8 hearing is what I'm going to base my decision on with, I
- 9 guess, one exception, and that is I want anything you're
- 10 going to ask me to take official notice of should be marked
- 11 as an exhibit and exchanged on the date -- on the exhibit
- 12 exchange date. Or, if you think of it later, maybe you can
- 13 do it at the hearing.
- Sometimes there might be official filings in the
- 15 commission that you don't think about. And I will take
- official notice of that stuff, of -- at a later date provide
- -- but you've got to offer it as an exhibit. So it would be
- 18 a motion to accept late file exhibit, and then there would
- 19 be responses. And then if it's -- if it's received, it goes
- into the box. If it's not received, it's out of the box.
- 21 That's the only exception.
- 22 So I don't feel that I can pick up copies of the
- 23 formal complaint and issue a ruling, which would be, I
- 24 guess, the law of the case, because it -- in my view, it's
- 25 -- the time period covered is subsumed within the damages

- issue. And I just wanted to tell you why I -- why I feel I
- 2 can't do it and why I won't do it. And that might explain
- 3 some of my rulings on the relevant dates.
- 4 And I try to pick, for discovery purposes, at
- 5 least with respect to Verizon, the broadest period, which
- 6 would be the broadest possible period for the relating back
- 7 rule, which was two years prior to the filing of the formal
- 8 complaint, I guess. And then the other stuff is a matter of
- 9 proof and a matter of law.
- I mean, Verizon could offer the formal complaints
- and say, "Look. This doesn't mention -- this is" -- or,
- 12 "Look, this formal complaint wasn't filed within six
- months." And then I -- then I can take a look at it, and
- that will be part of my decision, which, hopefully, I will
- 15 never have to write.
- 16 But does that clarify for everybody what's going
- 17 -- well, does anybody have any problem with that, with what
- 18 I said?
- MS. HENRY: No, Your Honor.
- JUDGE STEINBERG: Okay. But I think I ought to
- 21 say it because it might eliminate some confusion.
- Okay. Is there anything else we need to talk
- about this morning?
- 24 (No response.)
- JUDGE STEINBERG: Okay. I hear no response, so

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we'll go off the record at this time, and then I'll see you
 1
 2
      all on the 19th.
 3
                 (Whereupon, at 10:42 a.m., the hearing in the
      above-entitled matter was adjourned until September 19,
 4
      2001, at 2:00 p.m.)
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## REPORTER'S CERTIFICATE

FCC DOCKET NO.: 01-99

CASE TITLE:

C.F. Communications v. Century Telephone

HEARING DATE:

September 7, 2001

LOCATION:

Washington, DC

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

Date: \_9/07/01\_\_

Beth Roots

Beth Roots

Official Reporter

Heritage Reporting Corporation 1220 L Street, N.W., Suite 600 Washington, D.C. 20005-4018

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I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.

Date: \_9/17/01\_\_

Beth Roots

Official Transcriber

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I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below.

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